

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48650 of 2018

Arising Out of PS. Case No.-2646 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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AVINASH KUMAR SINGH @ AVINASH KUMAR S/o Sri Ram Suresh
Singh, R/o Mohallah- 15 G, New Area, Behind Mahesh Academy School
Road No.2, P.S.- Aurangabad Sadar, District- Aurangabad.

... .. Petitioner/s

Versus

1. State of Bihar
2. Ravi Bhushan Kumar, S/o Nagendra Prasad, R/o Kaushalya Niwas, Behind
MIG 185, Mahavir Nagar, P.O.- Kankarbagh, P.S.- Patrakar Nagar, District-
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indra Mohan Kumar
For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 22-04-2019 Heard the parties.

Petitioner seeks pre-arrest bail in

Complaint Case No.2646 of 2016 registered under Section 420
of the I.P.C. and Section 138 of N.I.Act.

Accusation is that O.P.No.2 Ravi Bhushan Kumar and
the petitioner started business in the name and style of “X Y Z -
HOME SOLLUTION SERVICES” under registered partnership
regarding which partnership deed was executed on 24.09.2015
but ultimately due to loss the firm was closed. In that period
petitioner took loan of Rs.20,00,000/- from the complainant on
different dates and to this effect the petitioner executed deed for



returning the same and also issued four account paying post dated cheques each amounting Rs.5,00,000/- in favour of the complainant in the months of 2016 but when the said cheques were deposited in the bank for credit the same were dishonored due to insufficient money in the Account of the petitioner. Thereafter the complainant sent legal notices to the petitioner on 03.06.2016, 04.06.2016 and 13.06.2016 but no reply was given. When on assurance of the petitioner for payment again the cheques were deposited but the same were also dishonored.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the O.P.No.2 got the four cheques as disclosed in the complaint petition issued by the petitioner in course of the transaction of the business. But later on complainant O.P.No.2 got obtained the deed regarding return of the said amount forcibly. As such, the petitioner is innocent and has been falsely implicated in this case due to business dispute.

Having regard to the facts and circumstances of the case, I am not inclined to grant bail to the petitioner. Prayer for anticipatory bail is rejected.

However, the petitioner is directed to surrender before the court below within a period of four weeks and pray for



regular bail and on his so surrendering the court below shall consider the same on its own merit and pass a speaking order without being prejudiced by this order.

(Rajendra Kumar Mishra, J)

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